THE HYDERABAD PRISONS ACT, 1954.

No. XXIX of 1954.

CONTENTS.

Preamble.

CHAPTER I

Preliminary.

Sections.

1. Short title, extent and commencement.
2. Repeal.
3. Definitions.

CHAPTER II

Maintenance and Officers of Prisons.

4. Accommodation for prisoners.
5. Inspector-General.
6. Officers of prisons.
7. Temporary accommodation.

CHAPTER III

Duties of Officers Generally.

8. Control and duties of officers of prisons.
9. Officers not to have business dealings with prisoners.
10. Officers not to be interested in prison contracts.

Superintendent.

11. Superintendent.
12. Records to be kept by Superintendent.

Medical Officer.

13. Duties of Medical Officer.
14. Medical Officer to report in certain cases.
15. Report on death of prisoner.

Jailor.

16. Jailor.
17. Jailor to give notice of death of prisoner.
18. Responsibility of Jailor.
19. Jailor to be present at night.
20. Powers of Deputy and Assistant Jailors.

Subordinate Officers.

21. Duties of gate-keeper.
22. Subordinate Officers not to be absent without leave.
23. Convict Officers.

CHAPTER IV

Admission, Removal and Discharge of Prisoners.

24. Prisoners to be examined on admission.
25. Effects of prisoners.
26. Removal and discharge of prisoners.

CHAPTER V

Discipline of Prisoners.

27. Separation of prisoners.
28. Association and segregation of prisoners
29. Solitary confinement.
30. Prisoners under sentence of death.

CHAPTER VI

Food, clothing and bedding of civil and unconvicted criminal Prisoners.

31. Maintenance of certain prisoners from private sources.
32. Restriction on transfer of food and clothing between certain prisoners.
33. Supply of clothing and bedding to civil and unconvicted criminal prisoners.

CHAPTER VII

Employment of Prisoners.

34. Employment of civil prisoners.
35. Employment of criminal prisoners.
36. Employment of criminal prisoners sentenced to simple imprisonment.

CHAPTER VIII

Health of Prisoners.

37. Sick-prisoners.
38. Record of directions of Medical Officers.
39. Hospital.

CHAPTER IX

Visits to Prisoners.

40. Visits to civil and unconvicted criminal prisoners.
41. Search of visitors.

CHAPTER X

Offences in relation to Prisons.

42. Penalty for introduction or removal of prohibited articles into or from prison, and communications with prisoners.
43. Power to arrest for offence under section 42.
44. Publication of penalties.

CHAPTER XI

Prison Offences.

45. Prison offences.
46. Punishment of such offences.
47. Plurality of punishments under section 46.
48. Award of punishments under sections 46 & 47.
49. Punishment for breach of conditions of suspension of sentence etc.

50. Punishment to be in accordance with foregoing section.
51. Medical Officer to certify to fitness of prisoner for punishment.
52. Entries in punishment books.
53. Procedure on commital of heinous offence.
54. Offences by prison subordinates.

CHAPTER XII

Miscellaneous.

55. Extramural custody, control and employment of prisoners.
56. Confinement in irons.
57. Confinement of prisoners under sentence of transportation in irons.
58. Prisoners not to be ironed by Jailor except under necessity.
59. Power to make rules.
60. Exhibition of copies of rules.
61. Exercise of powers of Superintendent and Medical Officers.

*THE HYDERABAD PRISONS ACT, 1954.

No. XXIX OF 1954.

An Act to provide for the regulation of prisons in the State of Hyderabad.

WHEREAS it is expedient to provide for the regulation of prisons in the State of Hyderabad; Preamble.

Be it enacted in the Fifth Year of our Republic as follows :-

CHAPTER I.

Preliminary.

1. (1) This Act may be called the Hyderabad Prisons Act, 1954. Short title, extent and commencement.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force from the date of its publication in the official Gazette.

2. The Hyderabad Prisons Act (IV of 1317 F.), is hereby repealed: Repeal.

Provided that all notifications issued, rules or orders made, and all action taken under the repealed Act shall as far as they are not inconsistent with this Act, be deemed to have been issued, made and taken thereunder :

Provided further that the provisions of section 3 (*v*) of the Hyderabad General Clauses Act (III of 1308 F.), shall apply as though the said repealed Act were an enactment repealed by this Act.

3. Unless there is anything repugnant in the subject or context :— Definitions.

(1) 'civil prisoner' means any prisoner who is not a criminal prisoner ;

(2) 'convicted criminal prisoner' means any criminal prisoner under sentence of a Court or Court-Martial, and

*Published in the Gazette Extraordinary No. (179) dated 11th October, 1954.

includes a person detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1898 Act V of 1898) ;

(3) 'criminal prisoner' means any prisoner duly committed to custody under the writ, warrant or order of any court or authority exercising criminal jurisdiction, or by order of a Court-Martial ;

(4) 'furlough system' means the system of releasing prisoners in jails on furlough in accordance with the rules for the time being in force ;

(5) 'history ticket' means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder ;

(6) 'Inspector-General' means the Inspector-General of Prisons ;

(7) 'prison' means any jail or place used permanently or temporarily under the general or special orders of Government for the detention of prisoners, and includes all lands and buildings appurtenant thereto, but does not include—

(*a*) any place for the confinement of prisoners who are exclusively in the custody of the police ;

(*b*) any place specially appointed by Government under section 541 of the Code of Criminal Procedure, 1898 (Act V of 1898) ;

(*c*) any place which has been declared by Government, by general or special order, to be a subsidiary jail ;

(8) 'prohibited article' means an article the introduction or removal of which into or out of a prison is prohibited by any rule under this Act ;

(9) 'remission system' means the system of regulating the award of marks to, and the consequent shortening of sentences of prisoners in jail in accordance with the rules for the time being in force.

CHAPTER II.

Maintenance and Officers of Prisons.

Accommodation for Prisoners.

4. The Government shall provide, for the prisoners in the State of Hyderabad, accomodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

Inspector-General.

5. An Inspector-General shall be appointed by the Government for the State of Hyderabad and shall exercise subject to the orders of the Government, the general control and superintendence of all prisons situated in the whole of the State.

Officers of Prisons.

6. For every prison there shall be a Superintendent, a Medical Officer (Who may also be the Superintendent), a Jailor or Deputy Jailor and such other officers (including subordinates of the Medical Officer for the purposes of this Act) as the Government thinks necessary.

Temporary accommodation.

7. Whenever it appears to the Inspector-General that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison, or

whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners.

Provision shall be made, by such officer and in such manner as Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

CHAPTER III.

Duties of Officers generally.

Control and duties of officers of prisons.

8. All Officers of a prison shall obey the directions of the Superintendent ; all officers subordinate to the Jailor shall perform such duties as may be imposed on them by the Jailor with the sanction of the Superintendent or be prescribed by rules under section 59.

Officers not to have business dealings with prisoners.

9. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings directly or indirectly with any prisoner.

Officers not to be interested in prison contracts.

10. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison ; nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

Superintendent.

Superintendent.

11. (1) Subject to the orders of the Inspector-General, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control.

(2) Subject to such general or special directions as may be given by the Government, the Superintendent of a prison other than a central prison shall obey all orders not inconsistent with this Act or any rule thereunder which may be given respecting the prison by the Collector, and shall report to the Inspector-General all such orders and the action taken thereon.

Records to be kept by Superintendent.

12. The Superintendent shall keep, or cause to kept, the following records :—

(1) a register of prisoners admitted ;

(2) a book showing when each prisoner is to be realesed ;

(3) a punishment book for the entry of the punishments inflicted on prisoners for prison offences ;

(4) a visitors' book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison ;

(5) a record of the money and other articles taken from prisoners ; and

(6) all such other records as may be prescribed by rules under section 59.

Medical Officer.

Duties of Medical Officer.

13. Subject to the control of the Superintendent, the Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by the Government under section 59.

Medical Offier to report in certain cases.

14. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observations as he may think proper.

This report, with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector-General for information.

Report on death of Prisoner.

15. On the death of any prisoner, the Medical Officer shall forthwith record in a register the following particulars, so far as they can be ascertained, namely :—

(1) the day on which the deceased first complained of illness or was observed to be ill;

(2) the labour, if any, on which he was engaged on that day;

(3) the scale of his diet on that day;

(4) the day on which the Medical Officer was first informed of the illness;

(5) the day on which he was admitted to hospital;

(6) the nature of the disease;

(7) when the deceased was last seen before his death by the Medical Officer or his subordinate;

(8) when the prisoner died and reasons therefor, and

(9) (in case where a post-mortem examination is made) an account of the appearances after death together with any special remarks that appear to the Medical Officer to be required.

Jailor.

Jailor.

16. (1) The Jailor shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere.

(2) The Jailor shall not, without the Inspector-General's sanction in writing, be concerned in any other employment.

Jailor to give notice of death of prisoner.

17. Upon the death of a prisoner, the Jailor shall give immediate notice thereof to the Superintendent and the Medical Officer.

Responsibility of Jailor.

18. The Jailor shall be responsible for the safe custody of the records to be kept under section 12 for the commitment warrants and all other documents confided to his care and for the money and other articles taken from prisoners.

Jailor to be present at night.

19. The Jailor shall not be absent from the prison for a night without permission in writing from the Superintendent, but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

Powers of Deputy and Assistant Jailor.

20. Where a Deputy Jailor or Assistant Jailor is appointed to a prison, he shall, subject to the orders of the Superintendent, be competent to perform any of the duties, and be subject to all the responsibilities, of a Jailor under this Act or any rule thereunder.

Subordinate Officers.

Duties of gate-keeper.

21. The Officer acting as gate-keeper, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison, and, if any such article or property be found, shall give immediate notice thereof to the Jailor.

Subordinate Officers not to be absent without leave.

22. Officers subordinate to the Jailor shall not be absent from the prison without leave from the Superintendent or from the Jailor.

Convict officers.

23. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code (XLV of 1860).

CHAPTER IV.

Admission, Removal and Discharge of Prisoners.

Prisoners to be examined on admission.

24. (1) Whenever a prisoner is admitted into prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

(2) Every criminal prisoner shall also, as soon as possible after admission, be examined under the general or special orders of the Medical Officer, who shall enter or cause to be entered in a book, to be kept by the Jailor, a record of the state of the prisoner's health, and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners, the search and examination shall be carried out by the matron under the generel or special orders of the Medical Officer.

Effects of prisoners.

25. All money or other articles in respect whereof no order of a competent Court has been made, and which may with proper authority be brought into the prison by any criminal prisoner or sent to the prison for his use, shall be placed in the custody of the Jailor and the prisoner shall be informed with his signature being taken in the prescribed register.

Removal and discharge of prisoners.

26. (1) All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V.

Discipline of Prisoners.

Separation of prisoners.

27. The requisitions of this Act with respect to the separation of prisoners are as follows:—

(1) in a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with the male prisoners;

(2) in a prison where male prisoners under the age of 21 (twenty-one) years are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not;

(3) unconvited criminal prisoners shall be kept apart from convicted criminal prisoners; and

(4) civil prisoners shall be kept apart from criminal prisoners.

Association and segregation of prisoners.

28. Subject to the requirements of the last foregoing section, convicted criminal prisoners may be confined either in association or individually in cells or partly in one way and partly in the other.

Solitary confinement.

29. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer or his subordinate.

Prisoners under sentence of death.

30. (1) Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Jailor, and all articles shall be taken from him which the Jailor deems it dangerous or inexpedient to leave in his possession.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

CHAPTER VI.

Food, Clothing and Bedding of Civil and Unconvicted Criminal Prisoners.

Maintenance of certain prisoners from private sources.

31. A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding or writing material, books, newspapers or other necessaries, but subject to examination and to such rules as may be approved by the Inspector-General.

Restriction on transfer of food and clothing between certain prisoners.

32. No part of any food, clothing, bedding, or other necessaries belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

Supply of clothing and bedding to civil and unconvicted criminal prisoners.

33. (1) Every civil prisoner and uncouvicted criminal prisoners unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner may be released,

CHAPTER VII

Employment of Prisoners.

Employment of civil prisoners.

34. (1) Civil prisoners may, with the Superintendent's permission, work and follow any trade or profession.

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction, to be determined by the Superintendent, for use of implements and the cost of maintenance.

Employment of criminal prisoners.

35. (1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction in writing of the Superintendent, be kept to labour for more than eight hours in any one day.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed and shall at least once in every fortnight cause to be recorded upon history ticket of each prisoner employed on labour the weight of such prisoner at time.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

Employment of criminal prisoners sentenced to simple imprisonment.

36. Provision shall be made by the Superintendent for the employments (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner.

CHAPTER VIII.

Health of Prisoners.

Sick prisoners.

37. (1) The names of prisoners desiring to see the Medical Officer or his subordinate or appearing out of health, in mind or body shall, without delay, be reported by the officer in immediate charge of such prisoners to the Jailor.

(2) The Jailor shall, without delay, call the attention of the Medical Officer or his subordinate to any prisoner, desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer or his subordinate respecting alterations of the discipline or treatment of any such prisoner.

Record of directions of Medical Officers.

38. All directions given by the Medical Officer or his subordinate in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in the prisoner's history ticket or in such other record as the Government may by rule direct, and the Jailor shall make an entry in its proper place stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Jailor thinks fit to make, and the date of the entry.

Hospital.

39. In every prison an hospital or proper place for the reception of sick prisoners shall be provided.

CHAPTER IX.

Visits to Prisoners.

Visits to civil and unconvicted criminal prisoners.

40. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that, so far as may be consistent with the interest of justice, prisoners under trial may see their duly qualified legal advisers without the presence of any other person.

Search of visitors.

41. (1) The Jailor may demand the name and address of any visitor to a prisoner, and when the Jailor has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or another visitor.

(2) In case of any such visitor refusing to permit himself to be searched, the Jailor may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as the Government may direct.

CHAPTER X.

Offences in relation to Prisons.

Penalty for introduction or removal of prohibited articles into or from prison, and communications with prisoners.

42. Whoever, contrary to any rule under section 50 introduces or removes, or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article,

and every officer of a prison who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison,

and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner,

and whoever abets any offence made punishable by this section,

shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

Power to arrest for offence under section 42.

43. When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him and shall without unnecessary delay make him over to a Police Officer, and thereupon such

Police Officer shall proceed as if the offence had been committed in his presence.

Publication of penalty.

44. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the regional language setting forth the acts prohibited under section 42 and the penalties incurred by their commission.

CHAPTER XI.

Prison Offences.

Prison offences.

45. The following acts are declared to be prison offences when committed by a prisoner :—

(1) such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 59 to be a prison offence ;

(2) any assault or use of criminal force ;

(3) the use of insulting or threatening language ;

(4) immoral or indecent or disorderly behaviour ;

(5) wilfully disabling himself from labour ;

(6) contumaciously refusing to work ;

(7) filing, cutting, altering or removing handcuffs, fetters or bars without due authority ;

(8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment ;

(9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment ;

(10) wilful damage to prison property ;

(11) tampering with or defacing history tickets, records or documents ;

(12) Receiving possessing or transferring any prohibited article ;

(13) wilfully bringing a false accusation against any prisoner ;

(14) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison official ; and

(15) conspiring to escape or to assist in escaping, or to commit any other of the offences aforesaid.

Punishment of such offences.

46. The superintendent may examine any person touching any such offence, and determine thereupon, and punish such offence by—

(1) a formal warning :

Explanation.—A formal warning shall mean a warning personally addressed to a prisoner by the Superintendent and recorded in the punishment book and on the prisoner's history ticket ;

(2) change of labour to some more irksome or severe form or such period as may be prescribed by rules made by the Government ;

(3) hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment ;

(4) such loss of privileges admissible under the remission or furlough system for the time being in force as may be prescribed by rules made by the Government ;

(5) separate confinement for any period not exceeding two months :

Provided that while executing the punishment of a separate confinement, no prisoner shall be kept in separate confinement continuously, for more than a fortnight at one time and the interval between one period of confinement and the next will be at least a week.

Explanation.—Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners

and allows him not less than one hour's exercise in the open air per diem and to have his meals in association with one or more other prisoners :

(6) cellular confinement for any period not exceeding ten days :

Provided that after each period of cellular confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to cellular or solitary confinement ;

Explanation.—Cellular confinement means, such confinement with or without labour as entirely secludes a prisoner from communication with, but not from sight of, other prisoners :

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs.

Plurality of punishments under section 46.

47. (1) Any two of the punishments enumerated in the last foregoing section may be awarded for any such offence in combination, subject to the following exceptions, namely :—

(*i*) formal warning shall not be combined with any other punishment except loss of privileges under clause (4) of that section ;

(*ii*) cellular confinement shall not be combined with separate confinement, so as to prolong the total period of seclusion to which the prisoner shall be liable.

(2) No punishment will be combined with any other punishment in contravention of rules made by the Government.

(3) No punishment shall be awarded for any such offence so as to combine, with the punishment awarded for any other such offence, two of the punishments which may not be awarded in combination for any such offence.

Award of punishments under sections 46 & 47.

48. (1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing sections subject, in the case of separate confinement for a

period exceeding one month, to the previous confirmation of the Inspector-General.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

Punishment for breach of conditions of suspension of sentence, etc.

49. If any prisoner fails without sufficient cause to observe any of the conditions on which his sentence was suspended or remitted or furlough was granted to him, he shall be deemed to have committed a prison offence and the Superintendent may, after obtaining his explanation, punish such offence by—

(1) a formal warning as provided in clause (1) of section 46 ;

(2) reduction in grade if such prisoner has been appointed an officer of prison ;

(3) loss of privileges admissible under the remission or furlough system ; or

(4) loss of such other privileges as the Government may by a general or special order direct.

Punishment to be in accordance with foregoing sections.

50. Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing sections shall be inflicted on any prisoner and no punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections

Medical officer to certify to fitness of prisoner for punishment.

51. (1) No punishment of change of labour under clause (2) of section 46, shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the Punishment Book prescribed in section 12.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case he shall state what extent of

punishment he thinks the prisoner can undergo without injury to his health.

Entries in punishment books.

52. (1) In the punishment book prescribed in section 12 there shall be recorded, in respect of every punishment inflicted, the prisoner's name, register number and the class (whether habitual or not) to which he belongs, the prison offence of which he was guilty, the date on which such prison offence was committed, the number of privious prison offences recorded against the prisoner, and the date of his last prison offence, the punishment awarded, and the date of infliction.

(2) In the case of every serious prison offence the names the witnesses proving the offence shall be recorded.

(3) Against the entries relating to each punishment the Jailor and superintendent shall affix their initials as evidence of the correctness of the entries.

Procedure on commital of heinous offence.

53. If any prisoner is guilty of any offence against any prison discipline which, by reason of his having frequently committed such offences or otherwise, in the opinion of that Superintendent, is not adequately punishable by the infliction of any punishment which he has power under this Act to award, the Superintendent may forward such prisoner to the Court of District Magistrate, or any Magistrate of the First Class having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in section 46.

Provided that any such case may be transferred for inquiry and trial by the District Magistrate to any Magistrate of the First Class : and

Provided also that no person shall be punished twice for the same offence.

Offences by prison subordinates.

54. (1) Every Jailor or officer of a prison subordinate to him who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having

given previous notice in writing of his intention for the period of two months, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison duty, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate to fine not exceeding two hundred rupees, or to imprisonment for a period not exceeding three months, or to both

(2) No person shall under this section be punished twice for the same offence.

CHAPTER XII.

Miscellaneous.

Extramural custody control and employment of prisoners.

55. A prisoner, when being taken to or from any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison officer belonging to such prison, shall be deemed to be in prison and shall be subject to all the same incidents as if he were actually in prison.

Confinement in irons.

56. Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and instructions as may be laid down by the Inspector-General with the sanction of the Government, so confine them.

Confinement of prisoners under sentence of transportation in iron.

57. (1) Prisoners under sentence of transportation may, subject to any rules made under section 59 be confined in fetters for the first three months after admission to prison

(2) Should the Superintendent consider it necessary, either for the safe custody of the prisoner himself or for any other reason, that fetters should be retained on any such prisoner for more than three months, he shall apply to the Inspector-General for sanction to their retention necessary, and the Inspector-General may sanction such retention accordingly.

Prisoners not to be ironed by Jailor except under necessity.

58. No prisoner shall put in irons or under mechanical restraint by the Jailor of his own authority, except in cases of

urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

Power to make rules.

59. The Government may make rules consistent with this Act:—

(1) defining the acts which shall constitute prison offences;

(2) determining the classification of prison offences into serious and minor offences;

(3) fixing the punishments admissible under this Act which shall be awardable for commission of prison offences or classes thereof;

(4) declaring the circumstances in which acts constituting both a prison offence and an offence under the Indian Penal Code (XLV of 1860) may or may not be dealt with as a prison offence;

(5) for the award of works, granting remission of furlough determining the conditions on which and the authority by which such remission or furlough shall be granted and the consequent shortening of the sentence;

(6) regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape;

(7) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released;

(8) for the classification of prisons, and description and construction of wards, cells, and other places of detention;

(9) for the regulation by numbers, length or character of sentences, or otherwise, of the prisoners to be confined in each class of prisons;

(10) for the Government of prisons and for the appointment of all officers appointed under this Act;

(11) as to the food, bedding and clothing of criminal

prisoners and of civil prisoners maintained otherwise than at their own cost ;

(12) for the employment, instruction and control of convict within or without prisons ;

(13) for defining articles the introduction or removal of which into or out of prisons without due authority is prohibited ;

(14) for classifying and prescribing the forms of labour and regulating the periods of rest from labour ;

(15) for regulating the disposal of the proceeds of the employment of prisoners ;

(16) for regulating the confinement in fetters of prisoners sentenced to transportation ;

(17) for the classification and the separation of prisoners ;

(18) for regulating the confinement of convicted criminal prisoners under section 28 ;

(19) for the preparation and maintenance of history tickets ;

(20) for the selection and appointment of prisoners as officers of prisons ;

(21) for rewards for good conduct ;

(22) for regulating the transfer of prisoners whose term of transportation or imprisonment is about to expire ; subject, however, to the consent of the Government of any other State to which a prisoner is to be transferred ;

(23) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in prisons ;

(24) for regulating the transmission of appeals and petitions from prisoners and their communications with their friends ;

(25) for the appointment and guidance of visitors of prisons;

(26) for extending any or all of the provisions of this Act and of the rules thereunder to subsidiary jails or special places of confinement appointed under section 541 of the Code of Criminal Procedure, 1898, and to the officers employed, and the prisoners confined, therein;

(27) in regard to the admission, custody, employment, dieting, treatment and release of prisoners; and

(28) generally for carrying into effect the purposes of this Act.

Exhibition of copies of rules.

60. Copies of rules, under section 59 so far as they, affect the government of prisons, shall he exhibited, both in English and in the regional language, in some place to which all persons employed within a prison have access.

Exercise of powers of Superintendent and Medical Officers.

61. All or any of the powers and duties conferred and imposed by this Act on a Superintendent or Medical Officer may in his absence, be exercised and performed by such other officer as the Government may appoint in this behalf either by name or by his official designation.